

REMARKS/ARGUMENTS

In view of the remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 21 and 23 are pending for further examination.

Claims 21 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin et al. (U.S. Patent No. 5,355,302) in view of Wilder (U.S. Patent No. 5,408,417), Banks et al. (U.S. Patent No. 5,559,714) and Alavi (U.S. Patent No. 5,970,467). This four-way Section 103 rejection is once again respectfully traversed for at least the following reasons.

Applicant has previously explained that the alleged four-way combination of references does not teach or suggest a system in which a questionnaire is displayed after a user has selected a predetermined song. To rebut Applicant's assertions, the Final Office Action points to col. 7, lines 44-65 of Banks. A portion of this citation is reproduced below for convenience:

“At this time, the customer is informed through video and audio presentations as to the expected time before the card will be completed and is invited to participate in supplying marketing and consumer information as his or her sex, age, etc. as well as similar information concerning the recipient of the card, and any comments which the customer may wish to convey.”

As alluded to above, to render obvious the invention of claim 21, this description would have to include some teaching or suggestion of the questionnaire being displayed after a song selection. Thus, the issue becomes when exactly Banks teaches that its questionnaire should be displayed. Banks is unclear as to when its purchase is “finalized.” However, a careful assessment of Banks reveals that it does not teach or suggest displaying a questionnaire at the relevant time.

The first possible time when a “purchase finalization” may be understood is when the customer presses the buy button 15. However, at this time, the customer has not yet provided a final decision, since the customer still needs to provide additional data to complete the

personalization of the card, as clearly explained at col. 7, lines 24-26. Once a customer finds a suitable card, the buy button is pressed and an operation is then initiated for selection of personalized data or, on Fig. 9, where the purchase decision is “yes,” several additional selections have to be carried out by the customer. Thus, according to this interpretation of Banks, the invitation to participate in supplying marketing is not operated after the finalization of a purchase, as there are many intervening steps and the marketing form is only made available after the selection and personalization of additional data. This means that the invitation to participate in supplying marketing data does not follow the purchase finalization and does not correspond to the above-noted feature of claim 21.

The second possible time that may be understood as the finalization of the purchase is when the customer receives the personalized card or, in other words, once the customer has indicated the final approval for the card and the card is completed. According to such an interpretation, the displaying of invitation to participate in supplying marketing and consumer information is carried out before the end of the completion of the card, i.e., before the finalization of the purchase. Under this interpretation, the invitation to participate in supplying marketing information after the purchase finalization is not disclosed. Once again, the invitation to participate in supplying marketing data does not follow the purchase finalization and does not correspond to the above-noted feature of claim 21.

In sum, although Banks is unclear regarding when a purchase is considered “finalized,” it is clear that the possible constructions advanced above fail to teach or suggest the above-identified feature of claim 21.

In addition to the above, the Final Office Action argues that Alavi teaches rewarding a customer after answering the questionnaire. However, the passage cited in the Final Office

Action (i.e., col. 1, line 67 to col. 2, line 4) teaches that the reward is provided without any verification that the questionnaire is completed. Indeed, there is no indication in Alavi that the questionnaire must be completed or even that the responder cannot provide a limited number of answers to this questionnaire. Consequently, contrary to the arguments set forth in the Final Office Action, Alavi does not teach or suggest a reward routine for rewarding the customer after a determination routine has verified that the questionnaire was completed. Absent this disclosure, the four-way combination of references cannot render obvious the invention of claim 21.

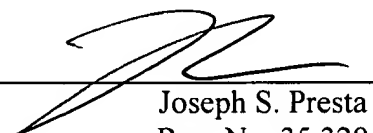
Accordingly, reconsideration and withdrawal of the outstanding Section 103 rejection are respectfully requested.

In view of the foregoing remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Joseph S. Presta
Reg. No. 35,329

JSP:lmj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100